



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF CONSUMER AFFAIRS

DIVISION OF INSURANCE

470 ATLANTIC AVENUE

BOSTON, MA 02210-2223

(617) 521-7794

TTY/TDD (617) 521-7490

PRISCILLA H. DOUGLAS

SECRETARY

LINDA RUTHARDT

COMMISSIONER

Bulletin No. 96-01

**To: Insurance Brokers, Commercial Insurers, Blue Cross and Blue Shield of Massachusetts (BCBSMA), and Health Maintenance Organizations (HMOs)**

**From: Commissioner Linda Ruthardt**

A handwritten signature in dark ink, appearing to read "Linda Ruthardt", written over the "From:" line.

**RE: New Laws Preventing Discrimination Against Victims of Domestic Violence**

**Date: January 11, 1996**

Several laws have been enacted which prohibit insurance agents and brokers, insurance carriers, BCBSMA, and HMOs from discriminating against an individual who has been a victim of abuse as defined in M.G.L. c. 209A.

The laws, effective July 1, 1995, essentially state that no insurance company or officer thereof, BCBSMA, HMO, or insurance agent or broker shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimination in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of the types of policies set forth below based upon information that an individual has been a victim of abuse as defined by M.G.L. c. 209A.

In addition, no insurance company or officer thereof, BCBSMA, HMO, or insurance agent or broker shall seek information that an individual has been a victim of abuse as defined by M.G.L. c. 209A. The practices prohibited apply to practices which are both overtly discriminatory and practices which are fair in form but discriminatory in practice.

The statutes references are as follows:

(1) M.G.L. c. 175 § 95B (added by St. 1995, c. 38 § 152) which applies to *residential property insurance* on property within the Commonwealth.

(2) M.G.L. c. 175 § 108G (added by St. 1995, c. 38 § 153) which applies to *individual policies of accident and sickness insurance* issued pursuant to M.G.L. c. 175 § 108; *group blanket policies of accident and sickness insurance* issued pursuant to M.G.L. c. 175 § 110; and *policies providing coverage against disability* from injury or disease.

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